

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

KIMBERLY DOLBEE,

Plaintiff,

vs.

SAFEWAY, INC., a foreign corporation, dba  
Safeway Store #490; and ABC Corporations 1-  
10,

Defendants.

NO. 21-2-06132-6 SEA

COMPLAINT FOR PERSONAL INJURIES  
AND FOR DAMAGES

Come Now the plaintiff Kimberly Dolbee, by and through her attorneys of record, Paul  
A. Spencer and Oseran Hahn, P.S., and states, alleges and complains as follows:

**I. PARTIES & JURISDICTION**

1.1 Plaintiff. Kimberly Dolbee ("Dolbee") is a single woman. At all times material  
hereto, Dolbee was a resident of Bellevue, King County, Washington.

1.2 Defendant Safeway Inc. Defendant Safeway, Inc. ("Defendant Safeway") is a  
duly licensed corporation believed to be organized under the laws of the State of Delaware with  
its corporate headquarters located in Pleasanton, California. At times relevant hereto, Defendant  
Safeway actively transacted business throughout the State of Washington and in King County.  
Defendant Safeway's local Corporate offices are located at 1121 124<sup>th</sup> Ave NE, Bellevue,

COMPLAINT FOR PERSONAL INJURIES  
AND FOR DAMAGES PAGE 1

**OSERAN HAHN, P.S.**  
929 108<sup>th</sup> Ave NE, Suite 1200  
Bellevue, WA 98004  
(425) 425-3900; Facsimile (425) 455-9201

1 Washington, in King County. This action pertains to Defendant Safeway Inc. dba Safeway Store  
2 #490 operating at 1656 140<sup>th</sup> Ave NE, Bellevue, Washington 98005.

3 1.3 Defendants ABC Corporations. Defendants ABC Corporations 1-10 are believed to  
4 operate a retail grocery store in the State of Washington and in King County at 1656 140<sup>th</sup> Ave  
5 NE, Bellevue, Washington 98005.

6 1.4 This court has jurisdiction over defendants because Defendants have actively  
7 transacted business in the State of Washington in King County and venue is properly set in King  
8 County because the incident at issue occurred in King County Washington on Defendants'  
9 business premises.

## 10 II. FACTS

11 2.1 On May 12, 2018, based upon information and belief, Defendant Safeway transacted  
12 business as a grocery retail outlet in King County Washington at 1656 140<sup>th</sup> Ave NE, Bellevue,  
13 Washington 98005 under the referenced name Safeway Store #490 (hereinafter the "Bellevue  
14 Safeway #490").

15 2.2 As second alternative or as an additional allegation, the store was operated by  
16 Defendant ABC Corporations 1-10 (or one of them) at the same location of 1656 140<sup>th</sup> Ave NE,  
17 Bellevue, Washington 98005.

18 2.3 On or about May 12, 2018, plaintiff Kimberly Dolbee entered into the Bellevue  
19 Safeway store to do some light grocery shopping. At all material times hereto Plaintiff Dolbee  
20 was an invitee of Defendants.

21 2.4 Ms. Dolbee while walking down the aisle in the frozen foods section of the store,  
22 suddenly had her feet slip out from underneath her causing her to fall and land on her side, back  
23

1 leg and head. As a direct and proximate result of the fall, Ms. Dolbee sustained serious personal  
2 injury.

3 2.5 Plaintiff Kimberly Dolbee was an invited business guest of Bellevue Safeway, or one  
4 of the Defendant ABC Corporations, at the time of the incident.

5 2.6 The aforementioned fall was caused in whole or in part by water located on the floor  
6 in front of the frozen food coolers.

7 2.7 Based upon information and/or belief the water on the floor appeared to be a result of  
8 some type of defective or errant packaging, ice from the adjacent coolers that had fallen out and  
9 melted or careless maintenance on the part of Defendant Bellevue Safeway #490 employees or  
10 one of the Defendant ABC company employees.

11 2.8 Defendant Safeway or one of the Defendant ABC company employees knew, or in  
12 the exercise of reasonable care, should have known, of the water hazard in the aisle.

13 2.9 Defendant Bellevue Safeway #490 or one of the Defendant ABC company employees  
14 should have cleaned up or dried out the area at issue or warned Dolbee and other shoppers of the  
15 water hazard. There were no warnings of the water in the aisle where Ms. Dolbee fell.

16 2.10 Immediately following the fall, emergency services were called and Ms. Dolbee was  
17 transported to the Overlake Hospital Emergency room.

18 2.11 Defendant Bellevue Safeway #490 employees knew or should have known of the  
19 dangerous condition that existed on the floor where Plaintiff fell. Accordingly, Defendants'  
20 employees should have cleaned up the condition or warned invited guests of the Bellevue  
21 Safeway Store #490 of the condition.

1 2.12 Defendant Bellevue Safeway #490 or the other named defendants are responsible  
2 for the actions or inactions of their employees at the time of the fall which is the subject of this  
3 complaint.

4 2.13 Defendant Bellevue Safeway #490 employees were aware of the water hazard or  
5 should have been aware of the hazard at the time of Ms. Dolbee's fall.

6 2.14 Defendants employees both failed to correct this hazardous condition and/or failed  
7 to warn Ms. Dolbee of this hazardous condition. As a direct and proximate result of this failure  
8 Ms. Dolbee sustained serious personal injury and related damages.

9 2.15 Defendant Bellevue Safeway #490 or the ABC Company were negligent because  
10 their employee(s) allowed a dangerous condition to exist on their premises, which they were  
11 aware of or should have been aware of. As a direct and proximate result of Defendants'  
12 employee's negligence, Ms. Dolbee was damaged and incurred medical special damages and  
13 general damages in amounts that will be proven at the time of trial.

14 2.16 Ms. Dolbee was not at fault in any way for the fall at issue that occurred in May of  
15 2018 and which is the subject of this lawsuit.

16  
17 **III. CAUSES OF ACTION**

18 Plaintiff Kimberly Dolbee incorporates by reference all of the allegations and statements  
19 contained in Paragraphs 1.1 through 2.16 of this Complaint and further alleges:

20 3.1 As a result of the presence of the water or other substance on the floor/aisle of the  
21 Bellevue Safeway store, the floor/aisle was not reasonably safe.

1 3.2 Defendant Bellevue Safeway #490 employees, knew or by using ordinary care should  
2 have known of the condition set forth in paragraph 3.1. Ordinary care is inclusive of, but not  
3 limited to:

- 4 (a) Providing a slip resistant floor;
- 5 (b) Having employees or agents of the Bellevue Safeway #490 visually  
6 inspect the floor/aisle in a timely manner;
- 7 (c) Having employees or agents of the Bellevue Safeway #490 physically  
8 mop, clean and/or wipe up the floor/aisle in a timely manner; and
- 9 (d) Provide warning signs when and where slip and fall hazards exist on the  
10 floor/aisle.  
11

12 3.3 The Defendant Bellevue Safeway through its employees failed to use ordinary  
13 care to (1) avoid creating the aforesaid condition; (2) failing to remove the aforesaid condition  
14 once it was created; (3) failing to post warning signs or barricades and/or (4) failing to warn the  
15 plaintiff Kimberly Dolbee of the aforesaid condition.

16 3.4 As a direct and proximately result of the acts and omissions of defendants'  
17 employees, as herein alleged, the plaintiff Kimberly Dolbee was injured and damaged, to wit:  
18 the plaintiff Kimberly Dolbee suffered injuries to her body including, but not limited to her right  
19 ankle, leg, hip, shoulder, back and arm; her damages are permanent in nature.  
20

21 3.5 As a direct and proximate result of Defendants' negligence through their employees  
22 conduct, Ms. Dolbee suffered medical special damages, wage loss and other general damages in  
23 amounts to be proven at the time of trial. Moreover, Ms. Dolbee will continue to suffer damages  
24 in the future and has incurred and will in the future incur medical expenses for the treatment and  
25

1 care of her aforesaid injuries; and she has incurred and will continue to incur loss of income and  
2 other benefits of employment all in amounts to be proven at the time of trial.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff prays for the following relief against Defendants:

5 A. Judgment against them for such medical special damages incurred by Plaintiff  
6 Dolbee to date and for such medical special damages as are to occur in the future in amounts to  
7 be proven at the time of trial;

8 B. Judgment against them for such wage and income loss incurred by Plaintiff  
9 Dolbee to date and for such wage and income loss as may occur in the future in amounts to be  
10 proven at the time of trial;

11 C. Judgment against them for such general damages incurred by Plaintiff Dolbee to  
12 date and for such general damages as are to occur in the future in amounts to be proven at the  
13 time of trial; and

14 D. For such other and further relief as the court deems just and equitable.

15 Dated this 10th day of May, 2021.

16  
17 */s/ Paul A. Spencer*

18  
19 Paul A. Spencer, WSBA #19511  
20 Attorney for Plaintiff